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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/749,473	12/31/2003	Kavin Du	121532	3931

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EXAMINER

SERRAO, RANODHI N

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 06/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/749,473	DU ET AL.	
	Examiner	Art Unit	
	Ranodhi Serrao	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-35 have been considered but are moot in view of the new ground(s) of rejection.
2. The applicant argued in substance the newly added limitations. However, the new grounds teach these and the added features. See rejections below.
3. The applicant also argued that Kinjo does not disclose a resource being a Web service that stores information related to the selected item. However, in ¶ 132, Kinjo states, "The stores have information for each of the exhibited articles stored in a storing device of a computer server, which is connected with a communication network 14." Kinjo therefore clearly teaches the claimed limitation.

Claim Rejections - 35 USC § 103

4. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
5. Claims 1-6, 9, 11-16, 19, 21-24, 27, and 29-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo (2003/0063575) and Frantz et al. (2005/0015311).
6. As per claim 1, Kinjo teaches a method for communicating information regarding a selected item to a user present at a location of a first retail entity (see Kinjo, ¶ 54), the method comprising: receiving an image from an imaging device, wherein the image contains identifying data associated with the selected item as provided by the first retail

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entity (see Kinjo, ¶ 59); extracting the identifying data from the image (see Kinjo, ¶ 35); while the user remains present at the location of the first retail entity (see Kinjo, ¶ 133-134). But fails to teach using the identifying data to obtain item information associated with the selected item from a second retail entity that is different than the first retail entity; and communicating the item information from the second retail entity to the imaging device for delivery to the user, wherein the item information enables the user to request the item from the second retail entity. However, Frantz et al. teaches using the identifying data to obtain item information associated with the selected item from a second retail entity that is different than the first retail entity (see Frantz et al., ¶ 37); and communicating the item information from the second retail entity to the imaging device for delivery to the user, wherein the item information enables the user to request the item from the second retail entity (see Frantz et al., ¶ 41). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo to using the identifying data to obtain item information associated with the selected item from a second retail entity that is different than the first retail entity; and communicating the item information from the second retail entity to the imaging device for delivery to the user, wherein the item information enables the user to request the item from the second retail entity in order to allow users to purchase multiple items from different vendors through e-commerce websites (see Frantz et al., ¶ 43).

7. As per claim 2, Kinjo and Frantz teach the mentioned limitations of claim 1 above and furthermore Frantz et al. teaches a second retail entity (see Frantz et al., ¶ 37) and Kinjo teaches a method, further comprising outputting the item information on a visual

display of the imaging device when the item information is communicated from the second entity to the imaging device (see Kinjo, ¶ 125).

8. As per claim 3, Kinjo and Frantz teach the mentioned limitations of claim 1 above and furthermore Frantz et al. teaches a second retail entity (see Frantz et al., ¶ 37) and Kinjo teaches a method, further comprising outputting the item information on an audio speaker of the imaging device when the item information is communicated from the second entity to the imaging device (see Kinjo, ¶ 58).

9. As per claim 4, Kinjo-Frantz et al. teach a method, wherein the imaging device is a digital camera capable of communicating the image containing the identifying data (see Kinjo, ¶ 14).

10. As per claim 5, Kinjo-Frantz et al. teach a method, wherein the imaging device is a mobile telephone having a component for capturing an image containing the identifying data (see Kinjo, ¶ 14).

11. As per claim 6, Kinjo-Frantz et al. teach a method, wherein the imaging device is a portable computing device having a component for capturing an image containing the identifying data (see Kinjo, ¶ 126).

12. As per claim 9, Kinjo-Frantz et al. teach a method, wherein the item information comprises price information for the selected item associated with the identifying data (see Kinjo, ¶ 132).

13. As per claim 11, the above-mentioned motivation of claim 1 applies fully in order to combine Kinjo and Frantz et al. Kinjo and Frantz et al. teach a method, wherein the

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first retail entity and the second retail entity are located remote from each other (see Frantz et al., ¶ 41).

14. As per claim 13, Kinjo-Frantz et al. teach a system, wherein the resource is a Web service storing information related to the selected item (see Kinjo, ¶ 124).

15. As per claim 14, Kinjo-Frantz et al. teach a system, wherein the resource is a database storing information related to the selected item (see Kinjo, ¶ 82).

16. As per claim 29, Kinjo-Frantz et al. teach a computer-readable medium, wherein extracting identifying data associated with the selected item from the image includes processing the image with an optical character recognition program to produce the identifying data (see Kinjo, ¶ 124).

17. As per claim 30, Kinjo teaches an integrated portable apparatus for obtaining item information for a selected item at a location of a first retail entity, the apparatus comprising: an input device for capturing an image of the selected item that contains identifying data associated with the selected item as provided by the first retail entity (see Kinjo, ¶ 144); a storage medium for storing said identifying data and program instructions for processing the image (see Kinjo, ¶ 67); and a processing unit communicatively coupled to the input device, while the user remains at the location of the first retail entity (see Kinjo, ¶ 133-134). But fails to teach an output device for outputting item information for the selected item as obtained from a second entity that is different than the first retail entity; the output device and the storage medium for executing the program instructions that process the image by obtaining the item information for the selected item by communicating the image containing the identifying

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data to the second retail entity; and outputting on the output device the item information obtained from the second retail entity, wherein the output device communicates the item information to a user and wherein the item information enables the user to request the item from the second retail entity. However, Frantz et al. teaches an output device for outputting item information for the selected item as obtained from a second entity that is different than the first retail entity (see Frantz et al., ¶ 41); the output device and the storage medium for executing the program instructions that process the image by obtaining the item information for the selected item by communicating the image containing the identifying data to the second retail entity (see Frantz et al., ¶ 16); and outputting on the output device the item information obtained from the second retail entity (see Frantz et al., ¶ 18), wherein the output device communicates the item information to a user and wherein the item information enables the user to request the item from the second retail entity (see Frantz et al., ¶ 41). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo to an output device for outputting item information for the selected item as obtained from a second entity that is different than the first retail entity; the output device and the storage medium for executing the program instructions that process the image by obtaining the item information for the selected item by communicating the image containing the identifying data to the second retail entity; and outputting on the output device the item information obtained from the second retail entity, wherein the output device communicates the item information to a user and wherein the item information enables the user to request the item from the second retail entity in order to allow users

to purchase multiple items from different vendors through e-commerce websites (see Frantz et al., ¶ 43).

18. As per claim 31, Kinjo-Frantz et al. teach an apparatus, wherein the processing unit further executes program instructions that process the image by extracting the identifying data from the image (see Kinjo, ¶ 35).

19. As per claim 32, Kinjo-Frantz et al. teach an apparatus, wherein the identifying data is barcode data (see Kinjo, ¶ 34) and the processing unit extracts the barcode data by executing a barcode recognition program that operates on the image (see Kinjo, ¶ 124).

20. As per claim 33, Kinjo-Frantz et al. teach an apparatus, wherein the identifying data is text data and the processing unit extracts the text data by executing an optical character recognition program that operates on the image (see Kinjo, ¶ 124).

21. As per claim 34, the above-mentioned motivation of claim 30 applies fully in order to combine Kinjo and Frantz et al. Kinjo and Frantz et al. teach an apparatus, wherein the processing unit communicates the image to a server operated by the second retail entity at a location remote from the first retail entity, wherein the server extracts the identifying data from the image (see Frantz et al., ¶ 18).

22. As per claim 35, the above-mentioned motivation of claim 30 applies fully in order to combine Kinjo and Frantz et al. Kinjo and Frantz et al. teach an apparatus, wherein the item information for the selected item is obtained by retrieving item information from a database maintained on behalf of the second retail entity, wherein the item

information corresponds to the identifying data for the selected item (see Frantz et al., ¶ 18).

23. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo and Frantz et al. as applied to claim 1 above, and further in view of Gottfurcht et al. (6,611,881). Kinjo and Frantz et al. teach the mentioned limitations of claim 1 above and furthermore Kinjo teaches based on a number of times an image has been received from different imaging devices, said image containing identifying data associated with the selected item (see Kinjo, ¶ 110). But fails to teach a method wherein the method further comprises: compiling historical data; using the historical data to estimate consumer demand for the selected item; and generating a report that forecasts future purchasing activity for the selected item based on the estimated consumer demand. However, Gottfurcht et al. teaches a method wherein the method further comprises: compiling historical data (see Gottfurcht et al., col. 4, lines 42-67); using the historical data to estimate consumer demand for the selected item (see Gottfurcht et al., col. 25, lines 12-30); and generating a report that forecasts future purchasing activity for the selected item based on the estimated consumer demand (see Gottfurcht et al., col. 25, lines 31-54). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo and Frantz et al. to a method wherein the method further comprises: compiling historical data; using the historical data to estimate consumer demand for the selected item; and generating a report that forecasts future purchasing activity for the selected item based on the estimated consumer demand in order to track group members' activity data and view the amount of time group

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members spend at various web sites, both by category or type of web site and create additional group patterns and group web habit data which result in further recommendations (see Gottfurcht et al., col. 25, line 55-col. 26, line 10).

24. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo and Frantz et al. as applied to claim 1 above, and further in view of Clendinning et al. (2002/0107861). Kinjo and Frantz et al. teach the mentioned limitations of claim 1 above but fail to teach a method, wherein the item information comprises rating information for the selected item associated with the identifying data. However, Clendinning et al. teaches a method, wherein the item information comprises rating information for the selected item associated with the identifying data (see Clendinning et al., ¶ 42). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo and Frantz et al. to a method, wherein the item information comprises rating information for the selected item associated with the identifying data in order to provide a system and method for collecting and displaying information about a product or other data object at a website server (see Clendinning et al., ¶ 19).

25. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kinjo and Frantz et al. as applied to claim 1 above, and further in view of Meyerson et al. (5,818,028). Kinjo and Frantz et al. teach the mentioned limitations of claim 1 above but fails to teach a method, wherein the identifying data comprises a universal product code. However, Meyerson et al. teaches a method, wherein the identifying data comprises a universal product code (see Meyerson et al., col. 1, lines 47-61). It would

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have been obvious to one having ordinary skill in the art at the time of the invention to modify Kinjo and Frantz et al. to a method, wherein the identifying data comprises a universal product code in order to provide inventory control, tracking, production control and expediting, quality assurance and other purposes (see Meyerson et al., col. 1, lines 28-45).

26. Claims 12 and 15-28 have similar limitations as to claims 1-11, 13, 14, and 29-35 therefore, they are being rejected under the same rationale.

Conclusion

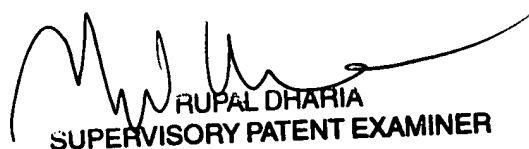
THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on (571)272-3880. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER